

ROBERT GUILD

Attorney at Law

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October 10, 2017

K. Chad Burgess, Esquire
South Carolina Electric & Gas Company/SCANA
220 Operation Way - MC C222
Cayce, SC 29033-3701

In Re: Friends of the Earth and Sierra Club v. SCE&G,
Prudence of South Carolina Electric & Gas Company Construction of a
Nuclear Base Load Generation Facility at Jenkinsville, South Carolina and the
Unjust and Unreasonable Rates Related Thereto
Docket No. 2017-207--E

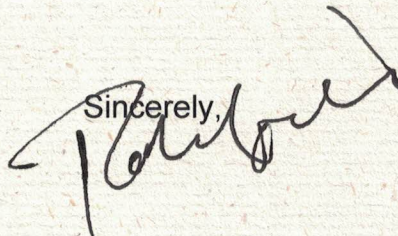
Dear Chad:

Enclosed please find Complainants' Second Interrogatories, Document Production Requests and Request for Entry, in the above matter. In light of the Commission's October 4, 2017, Order No. 2017-637, I ask that you promptly respond to this discovery as well as our first discovery requests served July 7, 2017.

Should you have any question regarding this discovery, please do not hesitate to call.

With kind regards I am

Sincerely,



Robert Guild
(803) 917 5738

Encl.s

CC: Ms. Jocelyn D. Boyd
Chief Clerk & Administrator
Public Service Commission of South Carolina



(Caption of Case)

In Re: Friends of the Earth and Sierra Club,
Complainants/ Petitioners,

v.

South Carolina Electric & Gas Co.,
Defendant / Respondent.BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2017 - 207 - E

(Please type or print)

Submitted by: Robert Guild

SC Bar Number: 2358

Address: 314 Pall Mall Street

Telephone: (803) 917 573

Columbia, SC 29201

Fax:

Other:

Email: bguild@mindspring.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☒ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

- ☐ Affidavit
☐ Agreement
☐ Answer
☐ Appellate Review
☐ Application
☐ Brief
☐ Certificate
☐ Comments
☐ Complaint
☐ Consent Order
☒ Discovery
☐ Exhibit
☐ Expedited Consideration
☐ Interconnection Agreement
☐ Interconnection Amendment
☐ Late-Filed Exhibit
☐ Letter
☐ Memorandum
☐ Motion
☐ Objection
☐ Petition
☐ Petition for Reconsideration
☐ Petition for Rulemaking
☐ Petition for Rule to Show Cause
☐ Petition to Intervene
☐ Petition to Intervene Out of Time
☐ Prefiled Testimony
☐ Promotion
☐ Proposed Order
☐ Protest
☐ Publisher's Affidavit
☐ Report
☐ Request
☐ Request for Certification
☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter
☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☐ Other: _____

Print Form

Reset Form

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-207-E

In Re: Friends of the Earth and Sierra Club,)	
Complainants/ Petitioners,)	
)	
v.)	
)	
South Carolina Electric & Gas Co.,)	
Defendant / Respondent.)	

COMPLAINANTS' SECOND INTERROGATORIES, DOCUMENT
PRODUCTION REQUESTS AND REQUEST FOR ENTRY

TO: K. CHAD BURGESS, ESQUIRE, ATTORNEY FOR SOUTH CAROLINA
ELECTRIC & GAS COMPANY, DEFENDANT / RESPONDENT
(HEREAFTER SCE&G):

Pursuant to R. 103-833 of the Commission's Rules, Rules 33 and 34 of the South Carolina Rules of Civil Procedure and the Commission's Order No. 2017-637, dated October 4, 2017, the Complainants / Petitioners, above-named, propound the following interrogatories and request that Defendant / Respondent, SCE&G produce and permit Complainants / Petitioners to inspect and copy each of the documents described below at the earliest available date within 20 days at the offices of the Defendant / Respondents' counsel, or at such other place as may be mutually agreed upon by counsel.

The Complainants / Petitioners further request that they and their agents be permitted entry at times and dates to be mutually agreed upon by counsel within 20 days

upon the lands and premises which are the location of the subject facility for purposes of inspection, measuring, surveying, photographing, testing, or sampling.

DEFINITIONS AND INSTRUCTIONS

A. The term "document" means and includes, but is not limited to, letters, memoranda, notes, studies, minutes of meetings, drawings, photographs, plats, deeds, maps, publications, calender notations, diaries, contracts, receipts, computer E-mails and other computerized records, messages, telephone logs, canceled checks, itineraries, agreements, records, charts, lists, plans, magnetic tape recordings, telecopier messages, or copies of any of the foregoing now in the possession, care, custody (actual or constructive) of the Respondents, or of any of its agents or principals including, attorneys, consultants, employees or representatives.. If any document requested herein was, but no longer is, in your possession or control, state what disposition was made of it, when, and such document's location.

B. The term "communication" means and includes, but is not limited to, any transmission of words or thoughts between or among two or more persons including but not limited to spoken words or thoughts, discussions, conferences, conversations, negotiations, agreements, understandings, inquiries, promises, complaints, correspondence whether transmitted in person or by any electronic, telephonic or other means.

C. The term "person" means and includes, but is not limited to, natural persons, corporations, partnerships, associations, joint ventures, trusts, governments, and all other forms of legal entities, and the officers, directors, employees, agents, attorneys, partners

and personal representatives thereof.

D. The term "relating to" means or refers to consisting of, constituting, containing, referring to, relating to, evidencing, reflecting or being in any way logically or factually connected with the matter discussed.

DOCUMENTS TO BE PRODUCED

1. All documents relating to the "Project Assessment Report," by Bechtel Power Corporation, dated February 5, 2016, including the original report, all documents indicating any persons or entities in receipt of copies of that report; all documents reflecting responses to or actions taken as a result of that report; all documents reflecting any consideration of the disclosure of that report or its substance to any regulatory authorities including, but not limited to the U.S Nuclear Regulatory Commission, the S.C. Office of Regulatory Staff, the S.C. Public Service Commission, the Governor of South Carolina, members of the S.C. General Assembly and to any party to proceedings before the Commission regarding the cost or schedule for the Project, including but not limited to Friends of the Earth or Sierra Club.

2. All documents identified in Appendix A to the "Project Assessment Report," by Bechtel Power Corporation, dated February 5, 2016, described as "Documents Reviewed from the Owners and the Consortium," described by Bechtel reviewed during the assessment report, as well as any updates or revisions to such documents.

3. All documents relating to the October 22, 2016, presentation by Bechtel to "SCH, SCE&G and Santee Cooper" as referred to in the Assessment Timeline, Section 1.4 of the Bechtel Report, including any slides or other presentation materials, any notes or records prepared by persons in attendance at that presentation; and any

actions taken or response to such presentation; including any consideration of the disclosure of such presentation or its substance to any regulatory authorities including, but not limited to the U.S Nuclear Regulatory Commission, the U.S. Securities and Exchange Commission, the S.C. Office of Regulatory Staff, the S.C. Public Service Commission, the Governor of South Carolina, members of the S.C. General Assembly and to any party to proceedings before the Commission regarding the cost or schedule for the Project, including but not limited to Friends of the Earth or Sierra Club.

4. All documents reflecting any response by SCE&G to the "Project Assessment Report," by Bechtel Power Corporation, dated February 5, 2016, or the preliminary October 22, 2016, presentation by Bechtel to "SCH, SCE&G and Santee Cooper," or any substantive finding or observation identified in the course of the Bechtel project assessment.

5. All documents reflecting reports, presentations, internal communications and findings by and responses to the SCE&G-Santee Cooper "Construction Oversight Review Board" (CORB).

6. All documents reflecting submissions to the Employee Concerns Program related to fraud, waste, construction quality, nuclear safety, and employee retaliation regarding design, procurement and construction of VC Summer Units 2 and 3.

7. All documents relating to the August 23, 2013, letter from Lonnie Carter of Santee Cooper to Kevin Marsh, entitled "Confidential Contract negotiations," including but not limited to a copy of such document and any persons in receipt of a copy of such document and any response to the substance of such document.

8. All documents relating to the November 28, 2016 email and attachments from Lonnie Carter to Kevin Marsh – entitled “Nuclear Timelines – Project Management docx; Nuclear Timeline-Bankruptcy.docx; Securitization Assessment Nov 28 2016 doc.docx,” including but not limited to a copy of such documents and any persons in receipt of a copy of such document and any response to the substance of such documents.

9. All documents relating to the May 6, 2016, SCANA-Santee Cooper letter with the subject: “V.C. Summer Units 2 and 3 Substantial Completion Dates,” including but not limited to a copy of such document, any persons in receipt of a copy of such document and any response to the substance of such document.

10. All documents relating to the documents identified by Steve Byrne and Kevin Marsh in testimony at the SC Senate hearing on September 18, 2017; including, but not limited to: all “written notices of deficiencies” or “project letters” sent by SCANA/SCE&G to Westinghouse, beginning as early as 2012, expressing concern about the project; all SCANA/SCE&G “analyses” regarding project continuation or abandonment; SCANA/SCE&G “go/no-go analysis” prepared after the Westinghouse bankruptcy (March 29, 2017) to continue the project or not; any SCANA/SCE&G “annual audits” filed in the “project data base” about the project, including but not limited to any concerning Quality Assurance (QA) matters; any “analyses” or reports pertaining to costs of and steps necessary to mothball and/or secure the VC Summer construction site after project abandonment on July 31, 2017; the May 6, 2016, SCANA-Santee Cooper letter with the subject: “V.C. Summer Units 2 and 3 Substantial Completion Dates,” including but not limited to a copy of such document, any persons in receipt of a copy

of such document and any response to the substance of such document.

11. All documents produced in response to subpoenas or other legal process as reported by SCANA in its September 21, 2017, news release, "SCANA Receives Subpoena for Documents Relating to Nuclear Project;" to the United States Attorney's Office for the District of South Carolina; as well as documents produced in response to subpoenas or other legal process from other State or Federal authorities.

12. All documents related to the May 7, 2012, Westinghouse document, "Westinghouse/Stone & Webster Consortium Position on the applicability of South Carolina state Professional Engineering Laws and Building Codes at V. C. Summer Units 2 & 3," including the original document, all documents indicating any persons or entities in receipt of copies of the document; all documents reflecting responses to or actions taken as a result of that document; all documents reflecting any consideration of the disclosure of that document or its substance to any regulatory authorities including, but not limited to the U.S Nuclear Regulatory Commission, the S.C. Office of Regulatory Staff, the S.C. Public Service Commission, the Governor of South Carolina, members of the S.C. General Assembly and to any party to proceedings before the Commission regarding the cost or schedule for the Project, including but not limited to Friends of the Earth or Sierra Club.

13. All documents provided in discovery or data requests to any other party including the Office of Regulatory Staff in this proceeding or in Docket No. 2017-305-E.

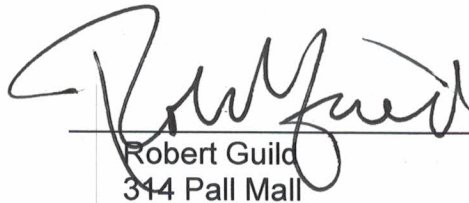
14. All documents reflecting the consideration or decisions to withhold information, data, disclosures or evidence relating to the cost, schedule or prudence of

continued construction of V.C. Summer Units 2 and 3 from regulatory authorities including, but not limited to the U.S Nuclear Regulatory Commission, the U.S. Securities and Exchange Commission, the S.C. Office of Regulatory Staff, the S.C. Public Service Commission, the Governor of South Carolina, members of the S.C. General Assembly and to any party to proceedings before the Commission regarding the cost or schedule for the Project, including but not limited to Friends of the Earth or Sierra Club; or to misrepresent or mislead these same entities regarding the cost, schedule or prudence of continued construction of V.C. Summer Units 2.

INTERROGATORIES

1. Give the names and addresses of persons known to Respondent or its counsel to be witnesses concerning the facts of the case and indicate whether or not any written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of Respondent or its counsel that relate to the claim or defense in the case.
3. List the names and address of any expert witness whom Respondent proposes to use as a witness at the trial of the case.
4. For each person known to Respondent to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.

October 10, 2017

A handwritten signature in black ink, appearing to read "Robert Guild", is written over a horizontal line.

Robert Guild
314 Pall Mall
Columbia, SC 29201
(803) 917-5738

ATTORNEY FOR COMPLAINANTS / PETITIONERS
FRIENDS OF THE EARTH AND SIERRA CLUB